

**SALEM PLANNING AND ZONING COMMISSION**

**REGULAR MEETING**

**November 15, 2011**

**7:00**

Present: K. Buckley-Chairperson, R. Amato, D. Bingham, G. Fogarty, R. Savalle,  
G. Walter, V. Smith Alt., Vacancy, M. Chinatti, Town Planner/ZEO, S.  
Spang, Recording Secretary

Absent: H. McKenney, Alt, -

Guests See Sign in Sheet

**CALL TO ORDER:**

K. Buckley called the meeting to order at 7:01. She introduced the members present.

With the consent of the members, V. Smith was seated for the full member vacancy.

**ADDITIONS TO THE AGENDA:**

**New Business, Item 1-Zoning Application for Timber Harvest on 122 Morgan Road. (This item will be discussed before Old Business)**

**PUBLIC HEARING: Proposed Digital Zoning Map**

K. Buckley read the rules for the Public Hearing and the legal notices that appeared in The Day paper. Correspondences from Regional Planning Agencies (Midstate, Windham, and CT River Estuary) were read into the record.

M. Chinatti stated Eric Belt digitized the town's zoning map. She stated there were no zone changes on any properties and the only addition was the Riparian Corridor Overlay Zone (RCOZ). M. Chinatti informed the members that the notifications to property owners in split zones did not go out; therefore, the Public Hearing would need to be continued. She

informed the members that the notifications were not a requirement but a courtesy.

E. Belt stated there were 4-6 dozen properties in split zones but, it was his understanding that only the properties in the areas of concern or which were ambiguous were to be notified.

Discussion concerning how many property owners should be notified, and when, took place. It was decided the nineteen letters would go out on the week of December 28<sup>th</sup>.

D. Bingham suggested there should be wording/disclaimer on the map stating the map should be used for informational purposes and not for boundary lines. His concerns were that zones follow boundary lines except in a few situations, the only way boundaries could be determined was by a survey. He did not want people to determine lot lines by the map or to think their zones would change because a survey showed the property 50 feet into a different zone. The zones go with the property line no matter where they fall in an official survey.

G. Walter suggested a more general disclaimer; he thought it would be less confusing.

E. Belt stated the map will change as new surveys come in and the map will become more accurate.

G. Fogarty wanted to know what happens when a survey comes in on a property which is a split zone and questionable.

G. Walter stated that recently the zoning line will be placed on a property survey map.

#### **Public Comment**

Andy Clark introduced himself and stated he was attending the meeting as an applicant for a timber harvest permit. He stated he has looked at many maps and that 99% of the time zoning maps are for informational purposes only. He stated most maps are from assessor's maps, old maps, old deeds, etc., which are not accurate, there are too many variables. Just because a survey shows the boundary line has moved 50 feet does not mean the zone has changed. He stated there should be a good reason why a property is in two or more zones and the line should

not be arbitrary. He agrees there needs to be some language on the map.

E. Burr stated he took notes and provided possible language for the map; "This map is a guide to Salem's ten zones. It is not intended to replace a licensed survey of a particular site or zone in question."

D. Bingham suggested wording such as, "Unless otherwise shown on this map boundaries follow lot lines that must be confirmed in the field"

M. Chinatti stated she could provide adequate disclaimer for the continued public hearing.

**M/S/C(Buckley/Fogarty) to continue the Public Hearing until January 17, 2012. Vote: Approved Unanimously**

**NEW BUSINESS** (taken out of agenda order)

**1. Selective Timber Harvest on 122 Morgan Road**

M. Chinatti informed the members that timber harvests are an as of right activity but due to the fact that some of the proposed activity is in the RCOZ it requires a zoning permit. She stated the applicant received an as of right determination from the Inland Wetlands Conservation Commission. M. Chinatti noted that the applicant presented an excellent management plan.

Andy Clark informed the Commission that he is proposing a timber harvest and cleanup of the property. He stated the property is quite large and consists of mature and over mature trees. He stated that the forest is in a 10 mil program. The property has not been harvested in many years which results in very large old trees that were damaged during Tropical Storm Irene. There is virtually no undergrowth and as a result limits the wildlife due to lack of acceptable habitats.

A. Clark stated that most of the work taking place in the RCOZ is clean up from the tropical storm Irene. There are two stream crossings in the RCOZ and he will be using temporary, portable bridges to minimize disturbance over the stone culverts and streams. He stated the topography was mostly flat and very rocky which will limit erosion. A.

Clark informed the members of a long term management plan for the property. He also follows all the state guidelines for wetland and buffer zones.

A. Clark said he would like to start work this winter and the project will take approximately 3 ½ months, weather permitting. He stated there will be a reduction of about 25% stocking level.

A. Clark invited the Commission to the work site to see how a timber harvest operates.

M. Chinatti recommended approving the zoning permit.

**M/S/C (Bingham/Amato) to approve the zoning permit application for a timber harvest at 122 Morgan Road. Vote: Approved Unanimously**

(D. Bingham leaves at 8:58)

**PETITIONERS: None**

**PUBLIC COMMENT None**

**OLD BUSINESS**

**1. Regulation Amendment Work Session**

The updated outline of proposed regulation changes, an article about the Town of Weston/ PA 11-79, and two, hypothetical situations showing pre and post PA 11-79, were handed out to the members ( See File Copies)

K. Buckley stated in response to the members request to invite builder(s) to comment on the draft regulations, she checked with their land use attorney and the Commission cannot receive outside input.

K. Buckley contacted the town's state representative, Ed Jutila and discussed PA 11-79 and its impact to the town. He has contacted M. Chinatti about the problems with the legislation.

M. Chinatti guided the members through the hypothetical subdivision scenarios, pre PA 11-79 and post PA 11-79.

The Commission discussed the scenarios and the issue of asking for a bond or not asking for a bond.

K. Buckley asked all members their opinion on whether to ask for bonding or not. The members responded as follows:

R. Amato-not sure

G. Fogarty-not sure

V. Smith-not sure

G. Walter-no bonding

R. Savalle-not sure

M. Chinatti-no bonding

K. Buckley-no bonding

Most members felt they needed more time and information in order to come to a decision.

K. Buckley asked M. Chinatti to get the Town of Weston's subdivision regulation change in response to PA 11-79.

**ENFORCEMENT OFFICERS REPORT/INLAND WETLANDS AND CONSERVATION COMMISSION REPORT** Discussed in previous aspects of the meeting.

**APPROVAL OF MINUTES-**

1. **October 25, 2011 Regular Meeting Minutes**

**M/S/C (Buckley/Savalle) to approve minutes of the October 25, 2011 as amended.**

Page 2, ¶ 6. Amend as follows: The Commission discussed the outlines for the proposed regulation amendments and actions/concerns of the zoning regulations; ***as modified.***

**Page 3, ¶ 1. Add; Add file copy.**

**Page 3, ¶ 2.** Add; ...Budget for fiscal year 2012, *pointing out year to date spending exceeds year to date plan.*

**Vote: Approved. In favor-Buckley, Amato, Bingham, Savalle, Smith.  
Opposed-none. Abstaining-.Fogarty, Walter**

**EXECUTIVE SESSION-DISCUSS KOBYLICK LITIGATION**

**M/S/C (Buckley/Fogarty) to go into Executive Session for the purpose of discussing the Kobyluck Litigation and to invite M. Chinatti, Town Planner/ZEO.**

**Vote: Approved Unanimously**

The Commission took a 5 minute recess

The Commission came out of Executive Session at 9:58.

**PLUS/DELTAS:**

The Commission discussed positive and negative aspects of the meeting, how to better inform the public of Commission meetings, public hearings, etc., to increase interest/participation, and review of the Commission's by-laws in the near future.

**M/S/C ( Fogarty/Savalle) to adjourn at 10:06PM. Motion carried unanimously.**

**Respectfully Submitted,**

**Sue Spang**

**Recording Secretary**